

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

QUINTRELL MARTIN,

Defendant.

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Case No. 2:06-cr-0155-MHT-SRW

**DEFENDANT'S RESPONSE TO GOVERNMENT'S NOTICE
TO USE THEFT OF PROPERTY IN THE FIRST DEGREE AS AN
ENHANCEMENT FOR ARMED CAREER CRIMINAL PURPOSES**

COMES NOW, the defendant, Quintrell Martin, by and through the undersigned counsel, Richard K. Keith, and responds to the United States of America's argument that Theft of Property in the First Degree may serve as an enhancement for Armed Career Criminal purposes. The defendant sets forth the following:

Upon review of relevant case law, United States v. Barbour, 395 F.3d 826, 827, (Mo. 2005), United States v. Strong, 415 F.3d 902, 908 (Mo. 2005) and United States v. Penny, 2007 WL 925286, 2, (Minn. 2007), and which state that theft, or attempted theft, is a violent felony, the defendant offers no opposition to the use of Theft of Property in the First Degree as an enhancement for Armed Career Criminal Purposes.

Respectfully submitted this 23rd day of April, 2007.

s/ Richard K. Keith
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CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Verne H. Speirs, AUSA
Post Office Box 197
Montgomery, AL 36101-0197

s/ Richard K. Keith
OF COUNSEL